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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,241	01/05/2001	Kazumi Saburi	81922.0004	5876

26021 7590 05/08/2007  
HOGAN & HARTSON L.L.P.  
1999 AVENUE OF THE STARS  
SUITE 1400  
LOS ANGELES, CA 90067

EXAMINER
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RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/743,241	<b>Applicant(s)</b> SABURI ET AL.	
	<b>Examiner</b> Melur Ramakrishnaiah	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 17, 18, 21, 25-27 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 14, 17, 18, 21, 25-27, 32 and 33 is/are allowed.
- 6) ☒ Claim(s) 31 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9-1-2005</u> . | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimo et al. (JP 401311744A, hereinafter Nishimo) in view of Irube (US PAT: 6,377,818) and Rao (US PAT: 5,896,165, filed 4-9-1997).

Regarding claim 31, Nishimo discloses a communication method using a communication terminal having a telephone function, a data communication function, and visual telephone function, comprising: receiving incoming information from outside of the communication terminal when a call is received, displaying contents in correspondence with data type information, and activating an application program (this is implied as the reference teaches functioning as a simple terminal with associated

application program for conducting communication as a simple terminal or functioning as composite terminal with associated application program for conducting communication as a composite terminal), displaying contents and outputting contents in correspondence with data type information (figs. 6, 13, 15, see abstract).

Nishimo differs from claimed invention in that he does not teach mobile terminal functions for carrying out desired communications; including data type information which identifies telephone communication or visual telephone communication.

However, Irube discloses communication terminal apparatus which teaches mobile terminal functions for carrying out desired communications (fig. 1, see abstract; col. 4 lines 33-36); and Rao discloses method and system for video answering machine which teaches the following: including data type information which identifies telephone communication or visual telephone communication (col. 2 lines 4-8; col. 3 lines 54-61).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Nishimo's system to provide for mobile terminal functions for carrying out desired communications as this arrangement would provide mobility for user in connection with desired communications as is well known in the art; including data type information which identifies telephone communication or visual telephone communication as this arrangement would facilitate to automatically send picture information by automatically conducting procedure to send picture information or only voice information, thus enhancing user convenience.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimo in view of Irube and Rao as applied to claim 31 above, and further in view of Sato (JP 406296277).

The combination differs from claim 34 in that it although it teaches the application program in correspondence with data type information is activated (for example application program required to respond to the call type either by sending audio or video message; see abstract of '165); it does not specifically teach this happens when key is pressed.

However, Sato discloses video telephone system which teaches the following: when key is [pressed, activating desired application required to send information.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: when a key is pressed, the application program is activated as this arrangement would facilitate the user to effect desired communication as taught by Sato, thus providing user convenience to effect desired communication.

5. Claims 13-14, 17-18, 21, 25-27, 32-33 are allowed.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 31 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614